



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Special Exception Application No. 4516

SE-4516

Application	General Data
Project Name: Future Scholars Learning and Art Center Location: Northwest corner of US 301 and Sturdee Drive, known as 7301 Crain Highway. Applicant/Address: Sharon Smith 7301 Crain Highway Upper Marlboro, Maryland 20772	Date Accepted: 5/23/05
	Planning Board Action Limit: @
	Plan Acreage: 1.18
	Zone: R-R
	Dwelling Units: N/A
	Square Footage: 2,300
	Planning Area: 82A
	Tier: Developing
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 210SE11	

Purpose of Application	Notice Dates
Day Care Center for Children (40)	Adjoining Property Owners Previous Parties of Record Registered Associations: 2/1/05 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Evelyn Kasongo	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

September 14, 2005

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Evelyn Kasongo, Senior Planner

SUBJECT: **Special Exception Application No. 4516**

REQUEST: **Increase enrollment of existing day care center to 40 children**

RECOMMENDATION: **Approval with conditions**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. **Location and Field Inspection:** The subject property is located along Crain Highway (US 301). It is a 2,400-square-foot, Cape Cod single-family home, with a 2,300-square-foot two-level addition added to the property in 2004, which serves as an existing day care center. A fenced-in play area is located to the northeast of the day care center and is shaded with large trees. An existing gravel residential driveway off Crain Highway services the house. An entrance off Sturdee Drive leads to the rear portion of the subject property, which consists of seven parking spaces. Trees buffer the view of the play area along Sturdee Drive. The property consists of sloped terrain in the front portion of the lot and levels out toward the rear. A freestanding sign is located on the front portion of the lot advertising the type of business and phone number associated with it. A fence does not enclose the property itself.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Single-family dwelling and Day care center	Day care center
Acreage	1.18	1.18

- C. **History:** The 1994 Sectional Map Amendment for the Subregion VI Study Area retained the subject property in the R-R Zone.
- D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1993 Subregion VI Study Area Master Plan. The property is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 2002 General Plan Development Pattern policies for the Developing Tier do not address a group day care facility as proposed by this application.
- E. **Request:** Expand enrollment of day care center to 40 children from existing enrollment of 12 children.
- F. **Neighborhood and Surrounding Uses:** The property is surrounded by the following uses:

North—Sturdee Drive
East— Loanda Drive
South—Crain Highway (Route 301)
West—Residential properties in the R-R zone

The neighborhood is residential in nature with single-family homes having been constructed in the R-R Zone.

- G. **Specific Special Exception Requirements:**

- (1) **The District Council may specify the maximum number of children to be enrolled, which may not be increased by State or local health, education, or fire regulations;**

- (2) **An ample outdoor play or activity area shall be provided, in accordance with the following:**

- (A) **All outdoor play areas shall have at least seventy-five (75) square feet of play space per child for fifty percent (50%) of the licensed capacity or seventy-five (75) square feet per child for the total number of children to use the play area at one (1) time, whichever is greater;**

Based on a proposed enrollment of 40 children, a total of 3,000 square feet would be required for a play area to accommodate the full enrollment at one time. However, a play area of 50 percent of the enrollment (20 children) would require at least 1,500 square feet. The outdoor play area proposed is 1,764 square feet in area, which is in compliance with the minimum required 75 square feet of outdoor play area for 50 percent of the enrollment.

- (B) **All outdoor play areas shall be located at least twenty-five (25) feet from any dwelling on an adjoining lot, and shall be enclosed by a substantial wall or fence at least four (4) feet in height;**

The play area will be located at a distance greater than 25 feet from any dwelling on adjoining lots and will be enclosed by a four-foot-tall fence.

- (C) **A greater setback from adjacent properties or uses or a higher fence may be required by the District Council if it determines that it is needed to protect the health and safety of the children utilizing the play area;**

The site plan indicates that the play area will be over 75 feet and 184 feet, respectively, from the residential properties to the west and southwest. Staff believes the existing setbacks are adequate given the nature of surrounding uses.

- (D) **Any off-premises outdoor play or activity area shall be located in proximity to the day care center, and shall be safely accessible without crossing (at grade) any hazardous area, such as a street or driveway;**

The applicant does not propose the use of an off-premise outdoor play area.

- (E) **The play area shall contain sufficient shade during the warmer months to afford protection from the sun;**

Plant materials on the site plan will be sufficient enough to provide ample shade for the children during warmer months.

- (F) **Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to ensure safe operation of the area; and**

Play area hours will take place only during daylight hours; therefore, lighting will not be required.

- (G) **Outdoor play shall be limited to the hours between 7am and 9pm.**

Outdoor play hours will be limited from 10:30 a.m. to 11:00 a.m. and from 3 p.m. to 3:30 p.m.

- H. ***Landscape Manual Requirements:*** The proposed use is exempt from the *Landscape Manual*.
- I. **Sign Regulations:** A freestanding sign is located on the subject property. This sign must meet all area, height and setback requirements.
- J. **Required Findings:**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of Subtitle 27 are set forth in Section 102. The proposed uses and accompanying site plan are not in harmony with the purposes of this subtitle. The site plan must be revised to conform with Section 27-296(c) and Section 27-348.01(b) of the Zoning Ordinance in order to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county. A condition of approval requires that these sections be met.

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

The proposed use is in compliance with all *Landscape Manual* requirements. No variances, waivers or departures are necessary to implement this proposed special exception.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

This application is subject to the 1993 Subregion VI Study Area master plan. The subject property is located within the Rural Residential (R-R) Zone, which allows up to 0.5 dwelling units per acre. The use is compatible within the current zone. It is located within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Thus, the proposed use will not substantially impair the integrity of any validly approved master plan or functional master plan, or in the absence of a master plan or functional master plan, the General Plan.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

None of the responses from any referring agencies received by staff indicate that the addition of 28 children to the day care center will adversely affect the health, safety or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

Transportation staff has indicated that the proposal for an expanded day care facility, in consideration that the net trip generation is relatively small, would not pose unanticipated capacity or safety issues on adjacent roadways and thus will not be detrimental to the use or development of adjacent properties or the general neighborhood.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. An exemption from the Woodland Conservation Ordinance, E-15-04, was previously issued as part of a building permit; however, the exemption is not valid for the scope of work proposed in this application. A Type I Tree Conservation Plan is required.

CONCLUSION:

Based on the preceding analysis and findings, staff is recommending that this application be APPROVED, based on the following condition:

1. Thirty (30) days prior to any Planning Board hearing, the applicant shall submit the following:
 - a. Type I Tree Conservation Plan.
 - b. Copies of the approved Stormwater Management Concept plan and approval letter.
 - c. The unmitigated ground-level 65 dBA Ldn noise contour associated with traffic-generated noise from US 301 be shown on the site plan and Type I TCP.
2. The site plan shall be revised to reflect the following requirements:
 - a. The centerline and right-of-way widths of all streets must be demonstrated on the site plan.
 - b. The site plan must demonstrate compliance with Sections 27-296(c) and 27-348.01(b) of the Zoning Ordinance.
 - c. The gross floor area, dimensions and height of all proposed and existing structures on the lot must be provided on the site plan.
 - d. All parking lots (as indicated to the southwest of the property) shall be surfaced in such a manner to be dust-free.
 - e. A van space for the physically handicapped must be provided on the site plan. The van space must be shown as 16 feet in width by 19 feet in length.
 - f. The site plan must demonstrate that the structure will be accessible to the physically handicapped.

- g. The play area must be drawn to scale on the site plan.
- h. The play area calculations must be provided on the site plan pursuant to Section 27-348.01.
- i. The parking provided and required for each use and the sizes and types of parking spaces provided must be indicated on the parking schedule.
- j. The parking spaces must be drawn to scale on the site plan.
- k. The existing private driveway shall be dimensioned and labeled on the site plan to indicate the direction of traffic movement.
- l. The proposed driveway must be drawn to scale on the site plan.
- m. All adjacent uses shall be indicated on the site plan by owner name, lot, block and parcel number.
- n. Provide the following site plan note: “Only 50 percent of the enrolled number of children shall be in the play area at one time.”
- o. The sign posted on the front of the property must be shown on the site plan and meet all area, height and setback requirements.